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The Central Intelligence Agency has the following comments on the 26 July 2000 Statement of Administration Policy on S 2507, Intelligence Authorization Act for FY 2001 (LRM AER528). We continue to have concerns with the Administration's position as outlined below.

(b)(3)
(b)(5)

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SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

"§ 798A. Unauthorized disclosure of classified information

"(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information to a person who is not both an officer or employee of the United States and who is not authorized access to the classified information shall be fined not more than $10,000, imprisoned not more than 3 years, or both.

"(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

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"(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by the such House of Congress.

"(2) The term 'classified information' means information or material designated and clearly marked or represented, or that the person knows or has reason to believe has been determined by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against

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unauthorized disclosure for reasons of national security.

"(3) The term 'officer or employee of the United States' means the following:

"(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

"(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

"798A. Unauthorized disclosure of classified information.
"798B. Temporary extension of section 794.".

SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"POW/MIA ANALYTIC CAPABILITY

"SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsi-

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